

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

***ePLUS INC.,*** )  
                        )  
**Plaintiff,**         )   **Civil Action No. 3:09-CV-620 (REP)**  
                        )  
**v.**                    )  
                        )  
**LAWSON SOFTWARE, INC.,** )  
                        )  
                        )  
                        )  
**Defendant.**         )

**DECLARATION OF JAMES D. CLEMENTS IN SUPPORT OF REPLY BRIEF IN  
SUPPORT OF MOTION TO STRIKE PORTIONS OF LAWSON'S EXPERT REPORT  
AND EXCLUDE FROM THE CONTEMPT HEARING IMPROPER OPINIONS AND  
FOR EXPEDITED BRIEFING**

I, James D. Clements, declare as follows:

1. I am an associate at Goodwin Procter LLP, counsel for Plaintiff *ePlus Inc.* (“*ePlus*”) in this proceeding. I submit this declaration in support of *ePlus*’s reply brief in support of its motion to strike portions of Defendant’s expert report and exclude from the contempt hearing improper opinions and for expedited briefing.

2. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.

3. Attached as Exhibit 1 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0365676 through RQC0365679 (filed under seal).

4. Attached as Exhibit 2 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0364605 through RQC0364612 (filed under seal).

5. Attached as Exhibit 3 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates number RQC0868820 (filed under seal).

6. Attached as Exhibit 4 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0892758 through RQC0892759 (filed under seal).

7. Attached as Exhibit 5 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0377104 through RQC0377105 (filed under seal).

8. Attached as Exhibit 6 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC2631677 through RQC2631679 (filed under seal).

9. Attached as Exhibit 7 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0922437 through RQC0922440 (filed under seal).

10. Attached as Exhibit 8 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0004231 through RQC0004232 (filed under seal).

11. Attached as Exhibit 9 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC2214590 through RQC2214591 (filed under seal).

12. Attached as Exhibit 10 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0870774 through RQC0870777 (filed under seal).

13. Attached as Exhibit 11 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0907446 through RQC0907460 (filed under seal).

14. Attached as Exhibit 12 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0869062 through RQC0869093 (filed under seal).

15. Attached as Exhibit 13 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0920551 through RQC0920556 (filed under seal).

16. Attached as Exhibit 14 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC2609830 through RQC2609831 (filed under seal).

17. Attached as Exhibit 15 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0111367 through RQC0116783 (filed under seal).

18. Attached as Exhibit 16 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates numbers RQC0239879 through RQC0239880 (filed under seal).

19. Attached as Exhibit 17 is a true and accurate copy of a confidential document produced by Defendant in this matter under Bates number RQC0764098 (filed under seal).

20. Attached as Exhibit 18 is a true and accurate copy of a demonstrative used during the testimony of Alfred C. Weaver, Ph.D. at the jury trial in this matter entitled "'683 Patent – Claim 3."

21. Attached as Exhibit 19 is a true and accurate copy of excerpts from the transcript of the jury trial held in this matter from January 4 to January 27, 2011 (Dkt. Nos. 644-696).

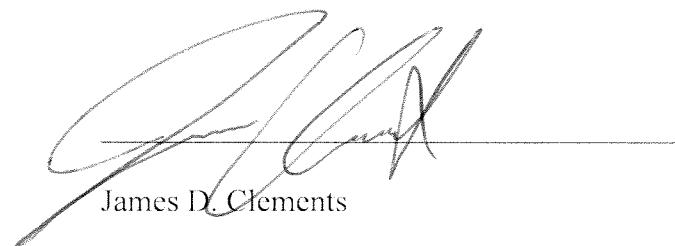
22. Attached as Exhibit 20 is a true and accurate copy of excerpts from the confidential transcript of the deposition of Benjamin F. Goldberg, Ph.D., dated February 2, 2012 (filed under seal).

23. Attached as Exhibit 21 is a true and accurate copy of excerpts from the confidential transcript of the deposition of Alfred C. Weaver, Ph.D., dated February 9, 2012 (filed under seal).

24. Attached as Exhibit 22 is a true and accurate copy of excerpts from the transcript of the conference call held in this matter on October 28, 2011 (Dkt. No. 834).

25. Attached as Exhibit 23 is a true and accurate copy of excerpts from the confidential Initial Expert Report of Alfred C. Weaver, Ph.D. Concerning Defendant's Contempt of the Court's Permanent Injunction dated January 13, 2012 (filed under seal).

I declare under penalty of perjury that the foregoing is true and correct. Executed at Boston, Massachusetts, this 20th day of February, 2012.



James D. Clements